



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

SEP 14 2009

David Loomis, Project Manager  
Bridgeport Ranger District  
Humbolt-Toiyabe National Forest  
1536 S. Carson Street  
Carson City, NV 89701

Subject: Draft Environmental Impact Statement for Bridgeport Travel Management Project, Lyon, Douglas, and Mineral Counties NV and Mono County CA (CEQ# 20090254)

Dear Mr. Loomis:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

EPA commends the Forest Service for its efforts to address the many challenges inherent in developing a balanced Travel Management Plan that responds to recreational and resource management demands. We acknowledge that the Travel Management Project process is a positive step in addressing resource impacts from motorized uses. The permanent prohibition of cross country travel off designated routes and the switch from unmanaged to managed motorized recreational use will result in significant environmental benefits.

While we acknowledge the benefits of the Proposed Action Alternative, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "*Summary of Rating Definitions*") due to our concerns regarding the scope of the alternatives analysis, water resources, wet weather and seasonal closures, erosion, decommissioning of unauthorized routes, monitoring and enforcement, climate change, and full disclosure and procedural comments.

We had hoped the Forest Service would take this opportunity to review and rationalize the Forest Transportation System (FTS), pursuant to Travel Management Rule direction to identify the minimum road system needed (36 CFR Part 212 Subpart A); to address known road-related resource impairments and use conflicts of both the existing FTS and unauthorized user-created system; and to align the transportation system with maintenance and enforcement capabilities. We note a similar request has been made by Senator Feinstein to the Pacific Southwest Region of the Forest Service (see attached letter) and by Congress (H.R. 1105 Omnibus Appropriations Act, 2009 Explanatory Statement).<sup>1</sup>

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<sup>1</sup> H.R. 1105 – Omnibus Appropriations Act, 2009 Explanatory Statement, Division E – Department of the Interior, Environment, and Related Agencies, Page 1146, March 11, 2009.



In addressing unauthorized routes, the Forest Service has covered only part of what is needed to reduce the ongoing adverse impacts to water quality and other resources from the FTS. We support a more holistic approach to travel management planning, whereby route designations are guided by known locations of resource impairment, road maintenance requirements and available funding, and prior determination of the minimum road system needed.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one (1) hard copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Tom Kelly, the lead reviewer for this project. Tom can be reached at (415) 972-3852 or [kelly.thomasp@epa.gov](mailto:kelly.thomasp@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen M. Goforth", with a long horizontal flourish extending to the right.

Kathleen M. Goforth, Manager  
Environmental Review Office  
Communities and Ecosystems Division

Enclosures:

Detailed Comments

Summary of Rating Definitions

Letter from Senator Dianne Feinstein to Regional Forester, December 18, 2008

cc: Steve Thompson, California Operations, US Fish and Wildlife Service  
Harold Singer, Lahontan Regional Water Quality Control Board





**EPA DETAILED COMMENTS RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT,  
BRIDGEPORT TRAVEL MANAGEMENT PROJECT, LYON, DOUGLAS, AND MINERAL  
COUNTIES NV AND MONO COUNTY CA, SEPTEMBER 14, 2009**

**Scope of the Alternatives Analysis**

***Provide information on the minimum Forest road system needed and how this information was used to formulate the alternatives.*** The scope of this action includes prohibition of motorized vehicle travel off designated routes and the addition of unauthorized user-created roads and trails to the National Forest Transportation System (NFTS) so they may be designated for motor vehicle use. While the DEIS states that the travel analysis process and travel analysis report have been used to inform this Travel Management Analysis (the DEIS), it does not clarify whether the Bridgeport Ranger District has determined the minimum road system needed for the District. This step, which is included in the Forest Service Travel Management Rule, allows a more holistic approach to travel management planning, addressing the existing NFS routes as well as unauthorized routes. We believe this approach would better serve the long-term interests of the public and National Forest resources.

***Recommendation:***

The final environmental impact statement (FEIS) should describe the information that was used to formulate the motorized travel management alternatives, and the relationship of that information to the requirement to identify the minimum road system needed for safe and efficient travel and administration of National Forest System lands (36 CFR Part 212 Subpart A, Section 212.5(b)). The FEIS should describe how the minimum road system needed will be identified pursuant to the requirements of the Travel Management Rule (36 CFR Part 212 Subpart A).

***Expand the scope of the action to include current roads and trails with known impacts.*** Page 26 the DEIS states, “[n]o further decision is necessary to continue public motorized use of the existing FTS (Forest Transportation System) roads. These decisions were made previously.” This statement is somewhat contradicted by the fact that the DEIS not only designates unauthorized routes as part of the FTS, but reclassifies 170 miles of existing FTS roads and trails (p. 15). The DEIS describes road/stream crossing as, “a major source of sediment delivered to streams in otherwise undisturbed areas” (p. 66). Additionally, Table 15 (p. 72) states that current FTS routes have 142 perennial streams crossings and 1,063 intermittent stream crossings. Consequently, EPA is concerned with the Forest Service’s ability to adequately address known road-related impairments of resources, such as perennial and intermittent streams, from existing FTS routes.

***Recommendation:***

We recommend the Forest expand the scope of this action to consider, for seasonal or permanent closure to public motorized use, current FTS roads and trails with known resource impacts.

## **Water Resources**

***Sustainability of Road Maintenance.*** Many travel management plans (e.g. Lassen, Stanislaus, and Plumas National Forests) plainly acknowledge that each year their subject forests slip further behind in road maintenance. By not specifically addressing the topic, the (Bridgeport District) DEIS has left readers with the impression that the level of maintenance on Forest roads is sufficient and not adversely impacting the environment.

### ***Recommendation:***

The FEIS should either specifically state that the Bridgeport Range District has no road maintenance backlog, or include tables of current and projected road maintenance backlogs for the three evaluated alternatives.

## **Wet Weather and Seasonal Closures**

***Implement proven, protective, wet weather and seasonal closures.*** The DEIS includes seasonal closures to protect breeding sage grouse and wintering mule deer (p. 16). The DEIS does not include provisions to close existing roads or new routes, with the exception of the Kavanaugh Ridge Road, for wet weather. During or immediately after wet weather, vehicle use creates increased erosion likely to impact seasonal and perennial streams, and increases rutting, which is likely to further increase erosion during the dry season.

### ***Recommendation:***

EPA recommends implementation of proven, protective season of use periods and wet weather closures. We advocate the expanded use of seasonal closures as a means to avoid and minimize adverse resource effects of roads, trails, and motorized use. For instance, we recommend season of use periods and wet weather closures in watersheds with sensitive resources such as meadows, fens and seeps, vulnerable threatened and endangered species habitat, or high erosion potential soils. The FEIS should provide information on significant environmental impacts caused by current wet weather road and trail use.

## **Erosion**

***Provide Route Specific Erosion Potential.*** We commend the Forest Service's effort to predominantly limit the authorization of user-created routes to the less erodible soils in the Great Basin portion of the District. We learned of this from discussions with Forest Service staff, as the DEIS did not clearly communicate the erosion potential of the user-created routes proposed for addition to the FTS. Appendix B lists erosion potential by soil types, but the DEIS does not state soil types for user-created routes, nor provide a map showing soil types by area.

### ***Recommendation:***

The FEIS should identify the potential for erosion for the 85-acre open area and each user-created route proposed for the FTS (e.g. low, medium and high), so that the impact of erosion can be better assessed.



### **Decommissioning of Unauthorized Routes**

***Prioritize and initiate decommissioning of unauthorized roads and trails.*** The conference report<sup>2</sup> for the Omnibus Appropriations Act of 2009 states, “[t]hat up to \$40,000,000 of the funds provided herein for road maintenance (to the Forest Service) shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed.” The report language also states, “the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources.”

#### ***Recommendation:***

EPA recommends the Forest Service follow the Congressional report language by using the information in the DEIS as a basis to prioritize unauthorized roads for decommissioning. The FEIS should specifically provide for decommissioning of unauthorized routes as available funding allows.

### **Monitoring and Enforcement**

***Develop, describe, and implement a Travel Management Plan Monitoring and Enforcement Strategy.*** It is important that wildlife protection, vegetation management, and erosion control goals be achieved to minimize the potential adverse effects of the Motorized Travel Management Plan. We believe the public and decision makers would benefit from development of a monitoring and enforcement strategy that includes specific information on funding, monitoring and enforcement criteria, thresholds, and priorities.

#### ***Recommendation:***

We recommend development of a detailed Travel Management Plan Monitoring and Enforcement Strategy. Such a Strategy should include specific information on the monitoring and enforcement program priorities, focus areas (e.g., issues, specific locations), personnel needs, costs, and funding sources. We recommend the FEIS demonstrate that such a monitoring and enforcement strategy is adequate to assure that motorized vehicle use will not violate access restrictions or exacerbate already identified road-related resource problems. We recommend the Monitoring and Enforcement Strategy be periodically updated (e.g., annually or biennially).

### **Climate Change**

***Address climate change and its potential effects on proposed route designations.*** A number of studies specific to California have indicated the potential for significant

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<sup>2</sup> H.R. 1105 – Omnibus Appropriations Act, 2009 Conference Report, Division E – Department of the Interior, Environment, and Related Agencies, Page 1146, March 11, 2009.

environmental impacts as a result of changing temperatures and precipitation.<sup>3</sup> Climate change effects and the need to adapt to climate change are emerging issues which should be considered in this action. According to the Government Accountability Office (GAO) report entitled, "Climate Change: Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water Resources" (August 2007), federal land and water resources are vulnerable to a wide range of effects from climate change, some of which are already occurring. Roads and their use contribute to species stress through habitat fragmentation, increased disturbance, introduction of competing invasive species, and increased fire risk, any of which may further exacerbate species' ability to adapt to the changing climate.

***Recommendation:***

The FEIS should include a discussion of climate change and its potential effects on the Forest as they relate to the route designation decision and final National Forest transportation system. Of specific interest are potential cumulative effects of climate change and the NFTS on the connectivity of wildlife and threatened and endangered species habitat, air quality, water quality, fire management, invasive species management, and road maintenance.

We recommend the discussion include a short summary of applicable climate change studies, including their findings on potential environmental effects and their recommendations for climate change adaptation and mitigation measures.

**Full Disclosure and Procedural Comments**

***Commit to route-specific environmental analysis for user-created route additions.*** On some National Forest System lands, repeated use by motor vehicle travel has resulted in unplanned motorized trails unauthorized for motorized use. These trails were generally developed without environmental analysis or public involvement and may be poorly located and cause unacceptable impacts. EPA is concerned with the addition of unauthorized user-created trails to the NFTS which may not have undergone site-specific environmental analysis or public involvement.

***Recommendation:***

The FEIS should state how the Forest will ensure specific user-created routes are adequately evaluated pursuant to NEPA requirements. Where prior site-specific environmental analysis has not occurred, we recommend the FEIS specify the manner and criteria by which specific user-created routes would be analyzed prior to the route's addition to the NFTS or its designation for public motorized use.

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<sup>3</sup> For example: Our Changing Climate: Assessing the Risks to California, A Summary Report from the California Climate Change Center, July 2006; Climate Change and California Water Resources, Brandt, Alf W.; Committee on Water, Parks & Wildlife, California State Assembly, March 2007.



## **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### **ENVIRONMENTAL IMPACT OF THE ACTION**

#### ***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### ***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### ***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### ***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **ADEQUACY OF THE IMPACT STATEMENT**

#### ***"Category 1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### ***"Category 2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### ***"Category 3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.





## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

December 18, 2008

Randy Moore, Regional Forester  
Pacific Southwest Region  
USDA Forest Service  
1323 Club Drive  
Vallejo, CA 94592

Dear Regional Forester Moore:

I am writing regarding the Forest Service's current efforts to implement the Travel Management Rule and designate routes in California's National Forests that are accessible to motorized traffic, including off-highway vehicles.

It is my understanding that the Tahoe National Forest plans to add roads to the existing motorized route system and publish a route system map cataloguing the roads open for public motor vehicle use.

I am concerned, however, that as part of the effort for designating the route system the Forest Service did not consider a process for removing existing system roads that may be unneeded or damaging to the environment. I believe that adding routes to the system without a science-based analysis of existing roads or plan to de-designate unneeded roads is misguided, particularly given the \$169 million road maintenance backlog in the Tahoe National Forest.

I am also concerned that the Tahoe National Forest plans to publish a route system map, which may leave the public with the impression that all roads present on the map will be permanently open to motorized vehicle access -- unless the public is simultaneously notified of a process to identify and remove unneeded roads. Without a caution that system maps may be subject to further review, it could be difficult for the Forest Service to remove roads that are found to threaten public safety, cause environmental damage or conflict with other forest uses in the future.

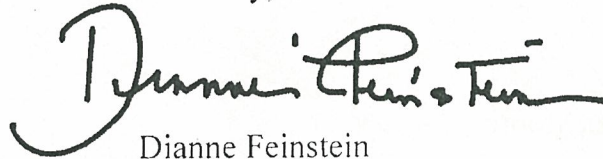
As the Forest Service continues with travel management plans in California, I request that the Agency to complete comprehensive analyses of existing system roads in each National Forest and develop a process for identifying and removing unneeded



roads prior to publishing route system maps. This level of analysis will help ensure that the Forest Service can afford to maintain a National Forest system that provides public access for motorized recreation while minimizing environmental impacts.

I look forward to being updated on your progress toward designating motorized travel systems in California's National Forests. Best regards.

Sincerely,

A handwritten signature in black ink, reading "Dianne Feinstein". The signature is fluid and cursive, with the first name "Dianne" being larger and more prominent than the last name "Feinstein".

Dianne Feinstein  
United States Senator

DF:jw:db